

## MEMORANDUM

Agenda Item No. 11(A)(5)

---

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

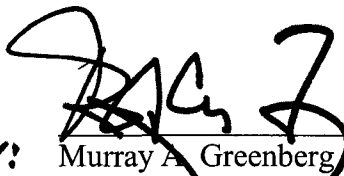
**DATE:** December 6, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution relating to  
Homestead Economic  
Rebuilding Organization  
(HERO)

---

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.

  
for: Murray A. Greenberg  
County Attorney

MAG/bw



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** December 6, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(5)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(5)  
12-6-05

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING RELEASE OF RESTRICTIONS AND COVENANTS ON FIVE PARCELS OF LAND OWNED BY MIAMI-DADE NEIGHBORHOOD HOUSING SERVICES (MDNHS) AND TO BE CONVEYED TO CITY OF HOMESTEAD; AUTHORIZING ACCEPTANCE OF SEVEN PARCELS OF LAND FROM HOMESTEAD ECONOMIC REBUILDING ORGANIZATION IN EXCHANGE FOR SAID RELEASE; AND AUTHORIZING CONVEYANCE OF SEVEN PARCELS OF LAND TO MDNHS

**WHEREAS**, the Homestead Economic Rebuilding Organization (“HERO”) is desirous of exchanging seven lots for construction of affordable single family houses located in other parts of the City of Homestead for five lots owned by Miami-Dade Neighborhood Housing Services (“MDNHS”) and located in the Southwest neighborhood which the City of Homestead plans to designate for neighborhood or downtown mixed use; and

**WHEREAS**, the five parcels owned by MDNHS were conveyed to MDNHS by Miami-Dade County pursuant to Resolution No. R-62-99 for development of affordable single family housing within community development block grant income limits for low and moderate income households; and

**WHEREAS**, the five parcels were conveyed to MDNHS with numerous restrictions and covenants requiring construction of affordable single family homes with the County retaining the right of re-entry for failure to comply with said restrictions and covenants; and

**WHEREAS**, in order for HERO to have said five parcels available for uses other than as affordable single family homes, the restrictions and covenants contained in the deed conveying those five parcels to MDNHS must be released; and

**WHEREAS**, HERO will convey seven replacement properties to Miami-Dade County in exchange for the release of restrictions and covenants on the five properties to be conveyed to HERO by MDNHS; and

**WHEREAS**, Miami-Dade County as part of our ongoing commitment to increase and meet the national goals for affordable housing established by HUD, will impose the very same restrictions and covenants on the seven parcels received from HERO and convey them to MDNHS,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Authorizes the Mayor to sign, in substantially the form attached hereto as Exhibit A, the Release of Covenants and Restrictions, including the County's right of re-entry as to the five parcels of property identified in said Exhibit A.

**Section 2.** Authorizes the County Manager to accept a deed from HERO conveying to the County seven parcels of property identified in Exhibit B in exchange for the County's Release and directing the County Manager to record the deed in the public records of Miami-Dade County, Florida.

**Section 3.** Authorizes and directs the County Manager, after recordation in the public records of Miami-Dade County, Florida, of the deed described in Section 2 above, to convey by County Deed, in substantially the form attached hereto as Exhibit C, the seven parcels of property received from HERO to MDNHS and containing the restrictions and covenants, including the right of re-entry, for use in construction of affordable single family housing within community development block grant income limits for low and moderate income households and

Miami-Dade County Infill Housing Program guidelines, and authorizes the Mayor to sign the County Deed.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of December, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Thomas Goldstein

This Instrument was prepared and should  
be returned upon its recordation to:

Thomas Goldstein  
Assistant Miami-Dade County Attorney  
Stephen P. Clark Center, Suite 2810  
111 N.W. First Street  
Miami, Florida 33128-1993

---

**RELEASE OF COVENANTS AND RESTRICTIONS**

WHEREAS, on March 10, 1999, by virtue of a Miami-Dade County Deed recorded in Official Records Book 18552 at Page 305 of the Public Records of Miami-Dade County, Florida, Miami-Dade County, conveyed among other properties therein listed the five properties legally described in Exhibit A attached hereto to Miami-Dade Neighborhood Services with covenants and restrictions, including right of re-entry, for the purpose of constructing single family homes; and

WHEREAS, the Homestead Economic Rebuilding Organization is desirous of acquiring the five parcels of land legally described in Exhibit A for use other than as single family home sites; and

WHEREAS, Miami-Dade Neighborhood Services will convey these five parcels to the Homestead Economic Rebuilding Organization for other than single family home use.

NOW THEREFORE, in consideration of the premises, Miami-Dade County hereby releases and declares the covenants and restrictions, including the right of re-entry, on the five parcels of land legally described in Exhibit "A" attached hereto and contained within the Miami-Dade County Deed recorded in Official Records Book 18552

**EXHIBIT A**

b

at Page 305 of the Public Records of Miami-Dade County, Florida, of no further legal force and effect.

IN WITNESS WHEREOF, MIAMI-DADE COUNTY has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board on the day and year aforesaid.

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor

The foregoing Release of Covenants and Restrictions was authorized and approved by Resolution No. \_\_\_\_\_ of the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_ day of \_\_\_\_\_, 2005.

**EXHIBIT A**

7

## **EXHIBIT A**

### **RELEASE OF COVENANTS AND RESTRICTIONS**

**Folio No.: 10-7813-043-0190**

**Address: 303 S. W. 4<sup>th</sup> Court, Homestead, Florida 33030**

Lots 23 and 24 of McCLAIN'S ADDITION TO HOMESTEAD, according to the Plat recorded in Plat Book 3, at Page 6 as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-044-0160**

**Address: 304 S.W. 5 Street, Homestead, Florida 33030**

Lots 1, 2 and 3 of AMENDED MAP OF EWINGS ADDITION TO HOMESTEAD, According to the Plat recorded in Plat book 3, at Page 136, as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-043-0180**

**Address: 315 S.W. 4 Court, Homestead, Florida 33030**

Lots 21 and 22 of McCLAIN'S ADDITION TO HOMESTEAD, according to the Plat recorded in Plat Book 3, at Page 6 as recorded in the Public Records of Miami-Dade County, Florida

**Folio Nos.: 10-7813-042-0340 and 10-7813-042-0350**

**Address: 324 S.W. 5 Street, Homestead, Florida 33030**

Lots 44, 45 and 46 of W. D. HORNE'S SUBDIVISION, according to the Plat Recorded in Plat Book 1 at Page 122 as recorded in the Public Records of Miami-Dade County, Florida

**Folio No. 10-7813-044-0040**

**Address: 518-524 S.W. 2 Terrace, Homestead, Florida 33030**

Lots 3, 4 and 5 Block 2 of AMENDED MAP OF EWING'S ADDITION TO HOMESTEAD, according to the Plat recorded in Plat Book 3, at Page 136, As recorded in the Public Records of Miami-Dade County, Florida



**SEVEN PARCELS TO BE CONVEYED BY HERO TO MIAMI-DADE COUNTY**

**Folio No.: 10-7813-023-0110**

**Address: 161 N.W. 2<sup>nd</sup> Street, Homestead, Florida 33030**

Lot 17 of S E LIVINGSTON ADDITION, according to the Plat recorded in Plat Book 3, at Page 128 as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-021-0030**

**Address: 162 N.W. 2 Street, Homestead, Florida 33030**

Lot 4 Block 1 of BARBERS ADDITION, according to the Plat recorded in Plat Book 6, at Page 25 as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-009-0250**

**Address: (Vacant Land)**

Lot 5, Block 3 of FISKE MANOR, according to the Plat recorded in Plat Book 15, at Page 63 as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-024-1022**

**Address: (Vacant Land)**

Lot 14, Block 10 of BLVD ADDITION, according to the Plat recorded in Plat Book 2 at Page 98 as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-054-0190**

**Address: 730 S.W. 12 Avenue, Homestead, Florida 33030**

Lot 10, Block 2 of ROOSEVELT HOMESITES, according to the Plat recorded in Plat Book 44 at Page 35, as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-054-0850**

**Address: 631 S.W. 11 Avenue, Homestead, Florida 33030**

Lot 4, Block 6 of ROOSEVELT HOMESITES, according to the Plat recorded in Plat Book 44 at Page 35, as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-004-0420**

**Address: 637-41 S.W. 7 Street, Homestead, Florida 33030**

Lots 40 thru 43, Block 1 of CENTRAL COMMERCIAL HOMESTEAD,  
According to the Plat recorded in Plat Book 41 at Page 83, as recorded  
In the Public Records of Miami-Dade County, Florida

This Instrument was prepared and should  
be returned upon its recordation to:

Thomas Goldstein  
Assistant Miami-Dade County Attorney  
Stephen P. Clark Center, Suite 2810  
111 N.W. First Street  
Miami, Florida 33128-1993

---

**COUNTY DEED**

THIS DEED, made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by Miami-Dade County, Florida, a political subdivision of the State of Florida, (County) and the Miami-Dade Neighborhood Housing Services (MDNHS), a Florida not-for profit organization, (Developer) Northside Shopping Center, 77 West Plaza, Miami, Florida 33147.

WITNESS: That County for and in consideration of the sum of Ten Dollars (\$10.00), to it in hand paid by the Developer, receipt of which is hereby acknowledged has granted, bargained and sold to the Developer, its heirs and its assigns, subject to the right of re-entry set forward below, the land lying and being in Miami-Dade County, Florida:

SEE EXHIBIT "A"

This Deed conveys only the interests of Miami-Dade County and its Board of County Commissioners in the property described herein, and shall not warrant title thereto:

1. This Conveyance is made subject to the following covenants running with the land, and setting forth the right of re-entry, to wit:

**EXHIBIT C**

//

- A. Developer will commence work on the Project improvements (the "Improvements") consisting of seven (7) single-family homes, not later than November 1, 2007, and shall complete the Improvements by January, 2009.
- B. Promptly after completion of the Improvements in accordance with approved plans and provisions of this Instrument, the County will furnish the Developer a certificate that Developer has met its obligations hereunder. Such Certification shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.
- C. Developer agrees for itself, its successors and assigns that Developer and such successors or assigns shall:
- Not discriminate upon the basis of race, color, religion, sex or national origin in the sale, lease or rental or in the use or occupancy of the property or and improvements erected or to be erected thereon or on any part thereof; and this covenant shall be binding to the fullest extent permitted by law and equity, for the benefit and in favor of, and enforceable by the County, its successors and assigns, and any successor in interest to the property, or any part thereof. County shall have the right in the event of any breach of any such covenants, to exercise all the rights and remedies, and to maintain any actions or

suits at law or in equity or other proper proceedings to enforce the curing of such breach of covenant, to which it or any other beneficiaries of such covenant may be entitled.

- D. Developer (or Successor in Interest), shall pay the real estate taxes or assessments on the property or any part thereof when due. Developer shall not suffer any levy or attachments to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach.
- E. Except for the transfer of the Deed to families and/or buyers at or below 80% of area median income per CDBG requirements, the Developer shall not transfer the property or any part thereof, without consent of the County.
- F. The Developer shall not change the ownership or distribution of the Developer's stock or the identity of the parties in control of the Developer or the degree of ownership.

In the event the Developer shall violate or otherwise fail to comply with any of the covenants set forth herein, the Developer shall correct or cure the default/violation within thirty (30) days of notification of the default by the County. If the Developer fails to remedy the default within thirty (30) days, the County shall have the right to re-enter and take possession of the property and to terminate (and re-vest in the County), the estate conveyed by this Deed to the Developer, provided, that any such right of re-entry shall

always be subject to and limited by, and shall not defeat, render invalid, or limit in any way the lien of any valid mortgage or deed of trust.

IN WITNESS WHEREOF, MIAMI-DADE COUNTY has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board on the day and year aforesaid.

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor

The foregoing County Deed was authorized and approved by Resolution No. \_\_\_\_\_ of the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_ day of \_\_\_\_\_, 2005.

**EXHIBIT A**

**Folio No.: 10-7813-023-0110**

**Address: 161 N.W. 2<sup>nd</sup> Street, Homestead, Florida 33030**

Lot 17 of S E LIVINGSTON ADDITION, according to the Plat recorded in Plat Book 3, at Page 128 as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-021-0030**

**Address: 162 N.W. 2 Street, Homestead, Florida 33030**

Lot 4 Block 1 of BARBERS ADDITION, according to the Plat recorded in Plat Book 6, at Page 25 as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-009-0250**

**Address: (Vacant Land)**

Lot 5, Block 3 of FISKE MANOR, according to the Plat recorded in Plat Book 15, at Page 63 as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-024-1022**

**Address: (Vacant Land)**

Lot 14, Block 10 of BLVD ADDITION, according to the Plat recorded in Plat Book 2 at Page 98 as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-054-0190**

**Address: 730 S.W. 12 Avenue, Homestead, Florida 33030**

Lot 10, Block 2 of ROOSEVELT HOMESITES, according to the Plat recorded in Plat Book 44 at Page 35, as recorded in the Public Records of Miami-Dade County, Florida

**Folio No.: 10-7813-054-0850**

**Address: 631 S.W. 11 Avenue, Homestead, Florida 33030**

Lot 4, Block 6 of ROOSEVELT HOMESITES, according to the Plat recorded in Plat Book 44 at Page 35, as recorded in the Public Records of Miami-Dade County, Florida

15

**Folio No.: 10-7813-004-0420**

**Address: 637-41 S.W. 7 Street, Homestead, Florida 33030**

Lots 40 thru 43, Block 1 of CENTRAL COMMERCIAL HOMESTEAD,  
According to the Plat recorded in Plat Book 41 at Page 83, as recorded  
In the Public Records of Miami-Dade County, Florida